

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 185 (National Assembly Bills No. 45)*



REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2016**

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**NAIROBI, 11th November, 2016**

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**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) BILL, 2016**

**A Bill for**

**AN ACT of Parliament to make minor  
amendments to statute law.**

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Statute Law (Miscellaneous Amendments) Act, 2016. Short title.

2. The several laws specified in the first column of the Schedule are amended, in the provisions specified in the second column thereof, in the manner respectively specified in the third column. Amendment of written laws.

**SCHEDULE**

(s. 2)

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
The Judicature Act (Cap. 8)	s.9	<p>Delete and substitute therefor the following new section—</p> <p style="margin-left: 40px;">Retirement Age. <b>9</b> (1) Subject to subsection (2), the age at which a person holding the office of judge shall retire shall be seventy years.</p> <p style="margin-left: 40px;">(2) Notwithstanding subsection (1), a person holding the office of Judge may elect to vacate office at any time after attaining the age of sixty-five years.</p>
The Advocates Act (Cap. 16)	s.2	<p>Delete the definitions of “unqualified person” and substitute therefor the following new definition—</p> <p style="margin-left: 40px;">“unqualified person” means a person who is not qualified under section 9 and includes an advocate who—</p> <ul style="list-style-type: none"> <li>(a) is not qualified under section 9;</li> <li>(b) is not exempt under section 10; and</li> <li>(c) fails to take out a practising certificate.</li> </ul>

s.23 Insert the following new subsection immediately after subsection (2)—

(2A) The Society shall issue a practice number to each advocate who becomes a member of the Society, and such number shall be affixed on every document drawn by such advocate and lodged for registration in any registry in Kenya.

New Insert the following new sections immediately after section 34—

Additional  
endorsements.

**34A.** (1) Subject to section 10, an advocate who holds a current practising certificate shall not file legal documents in any registry under any law requiring filing by an advocate, unless there is fixed on each such document, the stamp, admission number, practice number and signature of such advocate.

Validity of legal  
documents.

**34B.** (1) A practising advocate who is not exempt under section 10 and who fails to take out a practising certificate in any year, commits an act of professional misconduct.

(2) Notwithstanding any other provisions of this Act, nothing shall affect the validity of any legal document drawn or prepared by an advocate without a valid practising certificate.

(3) For the purpose of this section, “legal document” includes pleadings, affidavits, depositions, applications, deeds and other related instruments, filed in any registry under any law requiring filing by an advocate.

The Bills of Exchange Act (Cap. 27)	s.4(3)	Insert at the end thereof the words “Rwanda, Burundi and any other country granted membership to the Community under Article 3 of the Treaty for the East African Community.
The Probation of Offenders Act (Cap.64)	s.2	Insert the following definition in proper alphabetical sequence— “Minister” means the Cabinet Secretary responsible for matters relating to probation and after-care services.
	s.16(1)	Delete the word “Minister” and substitute therefor the expression “Public Service Commission”.
The Prisons Act (Cap 90)	s.2	Delete the definition of the word “Commissioner” and substitute therefor the following new definition— “Commissioner” means the Commissioner-General of Prisons. Insert the following new definition in proper alphabetical sequence— “Minister” means the Cabinet Secretary responsible for matter relating to prisons.
	s.9	Insert the words “or in the performance of any other function assigned to him” immediately before the words “every prison officer”.
	s.30(1)	Insert at the end thereof the words— “and shall be categorized and detained in such manner as to take into account the safety of the prisoner, of the public and of other persons in the prison”.
	s.43(1)	Delete the word “hard”.
	s.74(1)	Insert the following new paragraph immediately after paragraph (q)— (qa) guidelines and parameters for engaging with partners or stakeholders of the Service.
	s.2	Delete the definition of the word “Commissioner” and substitute therefor the following new definition—
The Explosives Act (Cap 115).		

“Commissioner” means the Director of Mines appointed under the Mining Act, 2016.

Insert the following new definition in proper alphabetical sequence—

“Minister” means the Cabinet Secretary responsible for mining.

The Income Tax Act (Cap. 470)	Head B (Rates of Tax)	Insert the following as the introductory portion for the second table appearing after item 1—
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1A. The wife’s employment, wife’s professional and wife’s self employment income rates of tax shall be—

The Insurance Act (Cap. 487)	s.2	Delete the words “section 161 of” appearing in the definition of “auditor”
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	3A(1)	Insert the following paragraphs immediately after paragraph (h)—
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“(ha) educate the public regularly on the right to independently select an underwriter or broker from a list of underwriters or brokers licensed by the Authority;

(hb) regulate the business of bacc assurance offered by banks in the same manner as the ordinary insurance business including capital requirements and disclosures.

	s.43(2)(c)	Insert the words “as may be” immediately after the word “liability”
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	s.73(2)	Delete the words “section 191 of” appearing in the subsection.
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The Auctioneers Act (Cap. 526)	s.2	Delete the definition of the word “auctioneer” and substitute therefor the following new definition in proper alphabetical sequence—
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“auctioneer” means a person licensed under section 10.

	s.3	Delete the expression “Part I of Chapter IV” appearing in subsection (1)(a) and substitute therefor the expression “Chapter 10”.
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